

CHAPTER 2

ADMINISTRATION AND PROCEDURES

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14-2-101 ZONE ESTABLISHMENT

In order to accomplish the purpose of this Ordinance, Bountiful City is hereby divided into zones in accordance with the adopted comprehensive plan of the City as follows:

R-1	Single Family Residential Zone
R-2	Two Family Residential Zone
R-3	Multiple Family Residential Zone
C-G	General Commercial Zone
C-R	Commercial Residential Mixed Use Zone
C-H	Heavy Commercial Zone
P-O	Professional Office Zone
H	Hospital Zone
MWP	Mountain Development and Watershed Protection Zone
MXD	Mixed Use Zone
RF	Residential - Foothill Zone

14-2-102 OFFICIAL ZONING MAP

A. The location and boundaries of all zoning districts as contained herein, including subsequent amendments, are shown on the zoning map entitled ZONING MAP OF BOUNTIFUL CITY, UTAH dated August 10, 1993. This map is hereby adopted as set forth in its entirety. All boundaries, notations, and other data shown thereon, are hereby adopted as though set forth in their entirety. The territory within the City shall be subject to the land use restrictions set forth for such zoning districts, as shown upon the maps.

B. Amendments to the boundaries of a specific zoning district shown on the ZONING MAP OF BOUNTIFUL CITY, UTAH shall be accomplished in accordance with the provisions found in Section 14-2-105 of this Chapter.

C. The Planning Director shall update the zoning district map, entitled ZONING MAP OF BOUNTIFUL CITY, UTAH as soon as possible after amendments are adopted by the City Council. Upon entering any such amendment on the map or maps, the Planning Director shall change the date of the map or maps to indicate the latest revision. New prints of the updated map may then be issued.

D. A print of any updated zoning maps shall be given to the City Recorder to be filed and kept for historical reference.

14-2-103 LOCATION OF ZONE BOUNDARIES

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

1. Where the intended boundaries on the zone map are approximately street lines, the centerline of said street shall be construed to be the zone boundary.
2. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundary, unless otherwise indicated.
3. Where the indicated boundaries are approximately rivers or streams, the centerline of said, river or stream, shall be construed to be the zone boundary.
4. In the absence of any street, lot line, river, or stream, the zone boundary shall be determined by use of the scale of measurement shown on the zoning district map.

Where other uncertainty exists, the Planning and Zoning Commission or City Council may interpret the zoning map.

14-2-104 NEWLY ANNEXED TERRITORIES

A. Territories which the City annexes shall be assigned a zoning designation at the time the annexation ordinance is adopted. The Planning Director shall recommend a zone designation for the area petitioning for annexation and forward that recommendation for zoning to the City Council.

B. In order to ensure due process and to protect the right of the citizens of the City, property shall be zoned as indicated in the comprehensive plan unless it can be demonstrated to the City Council that some other zoning designation is appropriate and compatible with the comprehensive plan. No official of the City shall utilize zoning designation commitments as a means of bargaining for the annexation of property into the City.

14-2-105 AMENDMENTS TO ORDINANCE AND MAP

A. This Ordinance, including the official zoning map, may be amended by the City Council after said amendments shall have first been submitted for recommendation to the Planning and Zoning

Commission. The recommendation of the Planning and Zoning Commission shall be submitted to the City Council within thirty (30) days after the presentation of the rezoning proposal or petition for amendment at a regularly scheduled Planning and Zoning Commission meeting.

B. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments shall not be made to this Ordinance or Map except to promote more fully the objectives and purpose of this Ordinance or to correct manifest errors.

C. Any person or organization seeking an amendment to the Zoning Ordinance or any property owner or authorized agent of any property owner seeking an amendment to the Zoning Map shall submit to the City Planning Office a written petition containing the following information:

1. Designation of the specific zone change or Ordinance amendment desired.
2. The reason and justification for such zone change or Ordinance amendment, and a statement setting forth the manner in which a proposed amendment or Zone would further promote the objectives and purposes of this Ordinance.
3. A complete and accurate legal description of the area proposed to be rezoned, or a draft of the proposed Ordinance amendment.
4. An accurate plat, drawn to scale with appropriate dimensions, showing all areas to be included within the proposed rezoning, designating the present zoning of the property subject to the petition, and properties immediately adjacent thereto.
- 5.¹ A list of all property owners within a radius of five hundred (500) feet of the boundaries of the property to be rezoned, as currently shown in the records of the Davis County Recorder, on self-adhesive labels ready for mailing to all names on the list.
6. A filing fee for a zone change or text amendment, as set by the City Council, paid at the time of application. This fee is non-refundable. An application initiated by the City shall be exempt from paying the required filing fee. This fee shall be applied to the General Fund to offset the cost of legal publications, notification of property owners, and the staff time involved in researching the appropriateness of said request and its effect on the general welfare of the City.

D. Upon receipt of a written petition, the Planning Director shall forward a copy of all material to the Planning and Zoning Commission for consideration at the next regularly scheduled meeting.

E. No application for rezoning shall be accepted by the Planning and Zoning Commission or City Council for a parcel for which an action of denial or approval of rezoning occurred within the last six

¹Amended 1/3/2001 Ordinance No. 2001-01

(6) months, except the City Council may reconsider a rezoning request sooner than the expiration of the six (6) month period, if:

1. At least one City Council member, who voted with the prevailing majority on the earlier City Council action, moves to have the City Council reconsider the matter and a quorum of the City Council approves the reconsideration; and
2. The appropriate notices are published and a public hearing held, as required by law. Referral to and reconsideration of the rezone by the Planning and Zoning Commission shall be at the discretion of the City Council.

F. The Planning and Zoning Commission shall consider the request and shall approve, disapprove or hold the petition for future consideration. After taking final action on such petition, the Planning and Zoning Commission shall certify its recommendation to the City Council as approval or disapproval of the proposed amendment. Before recommending an amendment to this Ordinance or a zone change to the Map, it must be found that such amendment is necessary, is in the interest of the public, and is in harmony with the objectives and purposes of this Ordinance. Failure on the part of the Planning and Zoning Commission to make recommendation to the City Council within thirty (30) days after hearing the petition shall be deemed to constitute approval of such proposed amendment or change which shall then be passed on to the City Council for appropriate action.

G. The City Council shall determine if a public hearing should be scheduled to consider the zone change or Ordinance amendment. Concurrence by the City Council with an unfavorable recommendation of the Planning Commission shall constitute a denial of the application, and no public hearing shall be held. If the recommendation is favorable or if the City Council determines the proposed amendment to be desirable despite an unfavorable recommendation, a public hearing shall be scheduled. Notice of said public hearing shall be:

1. Published in a newspaper of general circulation at least fourteen (14) days before the date of the hearing.
2. Sent to all property owners within a five hundred (500) feet radius around the subject property in the case of a zone change at least fourteen (14) days prior to the meeting.
3. Posted with notification signage on the subject property by the applicant/agent. The signage shall be provided to the applicant/agent by the City and shall be posted by the applicant/agent ten (10) days in advance of the scheduled meeting. The City shall inspect the property to verify the posting of the signage.

H. After the public hearing, the City Council may adopt, amend and adopt, or reject the zone change or Ordinance amendment.

I. Resubmission of any application for the same amendment shall not be allowed for a period of one (1) year.

14-2-106 ESTABLISHMENT OF USES NOT SPECIFIED²

A. When a use is not specifically contained in the list of permitted or conditional uses in a particular zone, but is of similar character and intensity as such permitted or conditional uses so listed, the City Council may allow the establishment of that use upon request. The person proposing to establish such use shall apply to the City Council for that permission.

B. The following criteria, in addition to any other criteria the City Council deems pertinent, shall be considered in evaluating the proposed use:

1. The establishment of the use will be in accordance with the purposes of the zoning district in which that use is proposed.
2. The use will be an appropriate addition to the zone because it has the same basic characteristic as the other uses permitted in the district.
3. The use will not be detrimental to the public health, safety, or welfare.
4. The use shall not adversely affect the character of that zoning district in which it is proposed to be established.
5. The use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in the zoning district.
6. The use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.

C. Prior to acting on the application, the City Council may refer the matter to the Planning and Zoning Commission for a recommendation.

1. For any application for consideration of a use not specified in any residential zone, the matter shall first be referred to the Planning Commission for a recommendation.
2. For any application for consideration of a use not specified in any professional, hospital or commercial zone, the City Council may, at its discretion, refer the matter to the Planning Commission for consideration and recommendation or may consider the matter without referral to the Planning Commission,

D. Any approval of a use not specified is considered a clarification of the zoning ordinance and not an amendment. Any approval applies only to the specific application and not generally through any given district.

²Amended 12/13/2000 Ordinance No. 2000-17

E. Upon receipt of a recommendation from the Planning Commission, the City Council shall hold a public hearing for any use to be considered as an exception in any residential zone. All landowners within five hundred (500) feet of the proposed use shall be notified of the public hearing and a notice of the public hearing shall be published in a newspaper of local circulation at least fourteen (14) days prior to the hearing.

F. Upon receipt of a recommendation from the Planning Commission for any use to be considered as an exception in any professional office, hospital or commercial zone, the City Council may, at its discretion, hold a public hearing or consider the use without a public hearing. If the City Council determines that a public hearing should be held, all landowners within five hundred (500) feet of the proposed use shall be notified of the public hearing and a notice of the public hearing shall be published in a newspaper of local circulation at least fourteen (14) days prior to the hearing.

H. Where a public hearing is to be held, the applicant shall be responsible for all publication and mailing costs and shall provide a list of all property owners within a radius of five hundred (500) feet of the boundaries of the property to be considered, as currently shown in the records of the Davis County Recorder, accompanied by addressed, self-adhesive labels ready for mailing to all names on the list.

14-2-107 CLARIFICATION OF ZONING

Any property which, for any reason, is not clearly zoned on the City's official zone map, or is determined not to be subject to the requirements of a zone classification as provided by this Ordinance, is hereby declared to be in the Single Family Residential (R-1) Zone, and shall be subject to the requirements of the R-1 Zone.

14-2-108 CLARIFICATION OF AMBIGUITY

If ambiguity arises concerning appropriate classification of a particular use within the meaning and intent of this Ordinance, or with respect to matters of height, yard requirements, area requirements, or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, the Planning Commission shall ascertain all pertinent facts and shall make decisions as are appropriate.